

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
MELVIN McDONALD MARY T. MCDONALD vs J. S. LOVE & COMPANY, INC. <i>Good</i> (formerly Love, Douglas & Roberts, Inc.), A. G. EDWARDS & SONS INC., A. C. HAYS and DUDLEY D. MORGAN, JR.		For plaintiff: Frederic Dorwart <i>584-1272</i> David W. Holden 2700 Fourth National Bank Bldg., Tulsa, Oklahoma 74119 For defendant: Conner, Winters, Ballaine, Barry, & McGowen (J.S. Love & Morgan) R. H. Harbaugh, Jr. 711 First National Building Tulsa, Oklahoma 74103 A. F. Ringold (A.G. Edwards) Rosenstein, Livingston, Fist & Ringold 300 McFarlin Bldg., Tulsa <i>74103</i> <i>585-9211</i> Russell H. Harbaugh, Jr. John S. Athens 711 First Natl. Bldg. Tulsa, <i>74103</i> (Morgan & Hays) 580-5711 <i>586</i>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed <i>8-1-71</i> <i>4-1-73</i>	Clerk	7-16-71	Holliman, 15 et al	00			
J.S. 6 mailed <i>3-1-73</i> <i>11-1-75</i>	Marshal	7-22-71	C.D. No. 5		15	00	
Basis of Action: Securities & Exchange Act of 1934	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-16-71	Complaint, filed. Summons issued. g	
7-27-71	Summons, ret. & filed: served A. C. Hays and Dudley D. Morgan, Jr., Tulsa, Ok. 7-20-71. (\$7.68); served A. G. Edwards & Sons, Inc. 7-21-71 & J. S. Love & Co. Inc., 7-22-71, both at Okla. City (\$8.72)g	
8-6-71	Application for extension of time, and Order granting said defendants until August 30, 1971, to plead or answer herein, filed. v (Deft. J.S. Love & Company, Inc.) (JHP-CC) ^{and D.D. Morgan}	
8-6-71	Application for order enlarging time within which to plead and answer, filed. v	
8-6-71	Order enlarging time for Deft., A. G. Edwards & Sons, Inc., until August 25, 1971, within which to plead and answer to the Complaint filed, filed. (JHP-CC)v	
8-18-71	Application for an extension of time granting extension of time to defendant A.C. Hays until Aug. 30, 1971 to file answer.(JHP-h)	
8-24-71	Application of deft. A. G. Edwards & Sons for order enlarging time within which to plead and answer, filed. m	
8-30-71	Order enlarging time until August 30, 1971, within which to plead and answer to the complaint filed, filed. (AEB-J) v <i>mailed copies</i>	
8-30-71	Combined Motions of Defendants J. S. Love & Company, Inc., A. C. Hays and Dudley D. Morgan, Jr. for a more definite statement, to strike redundant and immaterial matter, and to dismiss the complaint, filed.v	
8-30-71	Motions of defendant A. G. Edwards & Sons, Inc., for a more definite statement, to strike and to dismiss, filed. v	
8-30-71	Brief in support of combined motions of defendants for a more definite statement, to strike redundant and immaterial matter, and to dismiss the complaint, filed. v	
8-30-71	Order by Court that Plaintiff is granted 10 days from this date to respond to Defendant's Motions. (AEB-J) v	
8-31-71	First request for admissions under Rule No. 36 of Deft. J. S. Love & Company, inc. filed. r (Filed by Pltf.)	
8-31-71	First request for admissions under Rule No. 36 of Deft., A. G. Edwards & Sons, Inc., filed. r (Filed by Pltf.)	
8-31-71	First request for admissions under Rule No. 36 of Deft. Dudley D. Morgan, Jr., filed. r (Filed by Pltf.)	
8-31-71	First request for admissions under Rule No. 36 of Deft. A. C. Hays, filed. r (Filed by Pltf.)	
9-9-71	Plaintiff's Application for enlargement of period of time originally prescribed in which to make response, filed. v	
9-16-71	Application for order enlarging time within which to plead and answer, filed. m <i>to Judge</i>	
9-17-71	Plaintiff's second request for admissions under Rule 36, filed. g	
9-17-71	Approval of Application for enlargement of Period of time originally prescribed in which to make response, filed. (AEB-J) v <i>copies included.</i>	
9-23-71	Pltf's Brief in response to Motions to Dismiss pltf's second cause of action. Filed. r	
9-23-71	Memorandum brief in response to motion for a more definite statement and Motion to strike redundant and immaterial Matter, filed. r	
10-12-71	Order enlarging time to respond to 1st request for admissions to October 30, 1971, filed. (AEB-J) ds <i>copies to attorneys</i>	
10-20-71	Third request for admissions under Rule No. 36, filed. ds	
10-22-71	Written Interrogatories of Melvin McDonald, Pltf., filed. v	
10-29-71	Application for order enlarging time within which to respond to requests for admissions and interrogatories, filed by Defendants. v (Order is part of the pleading--sent to Judge.)	
2-27-72	Ordered that Magistrate conduct hearing on pltf's motion for order (continued)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-4-71	Objection to application for order enlarging time within which to respond to requests for admissions and interrogatories, filed. v	
11-5-71	Order granting the Deft.s twenty (20) days after the Court's ruling on the pending motions to respond to the First, Second, and Third Requests for Admissions and the Written Interrogatories, filed. (AEB-J)v	
12-28-71	Reply to Pltf.'s Briefs in Response to Motions for a More Definite Statement, to strike redundant and immaterial Matter and to Dismiss the Complaint, filed. v	
1-11-72	Pltf's motion for order requiring defts to proceed with pre-trial discovery, filed. m	
1-11-72	Pltf's memorandum brief, filed. m	
1-17-72	Defts' brief in reponse to motion for order requiring defts. to proceed with pre-trial discovery, filed. hm	
2-15-72	Ordered that Magistrate conduct hearing on plaintiff's motion for order requiring defendants to proceed with pretrial discovery, motion of defendant A. G. Edwards & Sons for a more definite statement, to strike and dismiss and combined motion s of defendants J. S. Love & Co. Inc. A. C. Hays and Dudley D. Morgan, Jr. for a more definite statement, to strike redundant and immaterial matter and to dismiss the complaint. (AEB-J) hm	
2-15-72	Hearing held on above motions. Plaintiff directed to file amended complaint within ten days; defendant to respond within 20 days. Motion of defendants for a more definite statement sustained; motions to strike redundant and immaterial matter denied; motions to dismiss complaint overruled; motion to strike allegations with regard to attorney fees denied. Parties to prepare recommendation and order within five days. (MLB-Mag) hm.	
2-29-72	Amended Complaint, filed by the Plaintiff. v	
3-10-72	Objections to certain finding and recommendation of magistrate filed. ds	
3-10-72	Ordered by the Court that plaintiff respond to defendant's objections to findings of magistrate within ten days of this date. (AEB-J) ds	
3-16-72	Memorandum Brief in Response to Deft.s' Objections to Certain finding and recommendation of Magistrate, filed. v	
7-25-72	Findings and recommendations of magistrate on hearing of 2-15-72, filed. (MLB-Mag)hm	
7-28-72	Suppl. to brief in support of objs. to F&R of def. A. G. Edwards & Sons, filed. rm	
8-2-72	Reply to Defts' supplement to brief in support of objections, filed. r	
11-6-72	Order overruling defts' objections to certain findings and recommendations of Magistrate, filed; (defts' combined motions for more definite statement is sustained; defts' combined motions to strike redundant and immaterial matter sustained in part/overruled in part; defts' combined motions to dismiss overruled; pltf's motion to require defts. to proceed with PT discovery overruled; pltf. allowed to file amended complaint. (AEB-J)hm (copies mailed)	
11-17-72	Appl. of counsel for def. J. S. Love & Co., to withdraw as attorneys of record, filed. rm - Order to J.	
11-22-72	Order filed Attorneys John S. Athens and Russell H. Harbough, Jr., of Conner, Winters, etc. are allowed to withdraw as attorneys for def. J.S. Love and Co., Inc. filed. h(AEB-J)h	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-27-72	Minute Order: Ordered that Tony Ringold, atty. for def. Edwards & Sons, is granted to 11/29/72 to file answer to interrogatories. (AEB-J)	rm
11-28-72	Response of Dudley D. Morgan, Jr. to pltf's written interrogatories, filed. g	
11-28-72	Response of Dudley D. Morgan, Jr. to pltf's first request for admissions, filed. g	
11-28-72	Responses of Dudley D. Morgan, Jr. and A. C. Hays to pltf's third request for admissions, filed. g	
11-28-72	Response of A. C. Hays to pltf's written interrogatories, filed. g	
11-28-72	Response of A. C. Hays to pltf's first request for admissions, filed. g	g
11-28-72	Responses of A. C. Hays and Dudley D. Morgan, Jr. to pltf's second request for admissions, filed. g	
11-28-72	Answers of A. G. Edwards & Sons to pltf.'s written interrogatories, filed. rm	rm
11-28-72	Answers of A. G. Edwards & Sons, Inc. to pltf's first request for admissions, filed. g	
11-28-72	Answers of A. G. Edwards & Sons, Inc. to pltf's second request for admissions, filed. g	
11-28-72	Answers of A. G. Edwards & Sons, Inc. to pltf's third request for admissions, filed. g	
11-30-72	Answer of A. C. Hays to amended complaint, filed. g	
11-30-72	Answer of Dudley D. Morgan, Jr. to amended complaint, filed. g	
12-12-72	Certificate of Mailing of the order filed on Nov. 22, 1972, filed. v	v
12-15-72	Motion of the Pltf. for Summary Judgment, filed. v	
12-15-72	Memorandum Brief in support, filed. v	
12-15-72	Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltf.'s Motion for Summary Judgment. (AEB-J)	v
1-10-73	Pltf. req. for production of documents, R. 34, to A.G. Edwards & Sons, Inc., filed. g	
1-10-73	Pltf. req. for production of documents, R.34, to A. C. Hays, filed. g	
1-10-73	Pltf. req. for production of documents, R.34, to Dudley D. Morgan, Jr., filed. g	
1-10-73	Pltf. 2nd interrogs. to Morgan and Hays, filed. g	
2-7-73	Answer of A. G. Edwards & Sons to amended complaint, filed. rm	
2-14-73	Response of defendant Dudley D. Morgan, Jr. to request for production of documents, filed. ds	
2-14-73	Response of defendant A. C. Hays to request for production of documents, filed. ds	
2-14-73	Response of deendant Dudley D. Morgan, Jr. and A. C. Hays to plaintiff's second written interrogatories, filed. ds	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-27-73	Hearing held on pltf.s motion for summary judgment. Pltf. represented. Defs. not present. Pltf. announced that defense has no obj. to granting of summary judgment. Ct. grants pltf.'s motion for summary judgment. Judgment <u>filed</u> in open court. (AEB-J)rm	
2-27-73	Judgment, filed and entered, that pltf. recover of def., J. S. Love & Company, the sum of \$10,054, w/int. at 10%, and costs. (AEB-J)rm	<i>Copies mailed</i>
3-7-73	Response of def. A. G. Edwards & Sons to pltf.'s request for prod. of documents. rm	
4-20-73	First interrogatories to pltf. by defs. Hays, Morgan & Edwards, filed. rm	
5-25-73	Answers of pltf. to first interrog. to pltf., filed. rm	
6-18-73	Ordered by the Court that parties are directed to hold PT con. by 7-23-73 and file PT order not later than 7-30-73. (AEB-J)jj	
7-5-73	Joint appl. of parties to reset pretrial conf. & order, filed. rm	<i>Order to</i>
7-10-73	Order, filed, granting joint appl. to reset pretrial conf. & directing parties to conduct pre-trial conf. by 9-15-73 & pre-trial order to be filed 5 days thereafter. (AEB-J)hm (copies mailed)	
9-20-73	Application for Extension of Time within which to file PT Order, filed. jj <i>Ct. J</i>	
9-26-73	Motion to compel defendants to produce documents, filed. ds	
9-26-73	Plaintiff's brief in support of motion to compel defendants to produce documents, filed. ds	
9-26-73	Motion of Mary T. McDonald to be added as a party plaintiff, filed. ds	
9-26-73	Brief of Mary T. McDonald in support of motion to be added as a party plaintiff, filed. ds	
9-26-73	Ordered by the Court that defendants reply to plaintiff's motion to compel defendants to produce documents and motion to add party plaintiff, within ten days of this date. (AEB-J) ds	
9-28-73	Order extending time to submit pre-trial order to 10-31-73, filed. (AEB-J)g <i>copies mailed</i>	
10-11-73	Combined Response of defts Morgan & Hays to Pltf's Motion to Compel Production of Documents, filed. r	
10-11-73	Combined Response of defts Morgan & Hays to Motion of Mary T. McDonald to be added as party pltf., filed. r	
10-11-73	Resp. of A.G. Edwards to the Pltf's Mtn. to Compel Defts to Produce Documents and Mtn to Add Pty Pltf., filed. jj	
11-16-73	Deposition of Melvin W. McDonald on behalf of defts., filed. (\$294.50)g	
11-16-73	Second interrogatories to plaintiff, filed. hm	
11-7-73	Order sustaining mot. of Mary T. McDonald to be added as party pltf., filed. (AEB-J)g <i>copies mailed</i>	

-contd.-

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-11-73	Order sustaining pltf's mot. to compel production of documents and protective order, subject to restrictions, filed. (AEB-J)g <i>main</i>	
12-17-73	<i>discovery in process - rdy PT around 2-1-75.</i> Pltfs' Amendment to Amended Complaint, filed.a	
12-19-73	Deposition of A. C. Hays, for plaintiff, taken by Frank L. Peterson CSR, on 9-10-73, filed. \$160.50 pd by plaintiff ds	
12-19-73	Deposition of Dudley D. Morgan, Jr. for plaintiff, taken by Frank L. Peterson, CSR, on 9-13-73, filed. \$211.50 pd by plaintiff. ds filed	
1-8-74	Application for Order Enlarging Time to Plead and Answer/AND Order Enlarging Time until January 14, '74 to Plead and Answer granted and filed.(AEB-J)jj copies mailed	
1-14-74	Separate answer of deft. Dudley D. Morgan, Jr. to amendment to amended complaint, filed. hm	
1-14-74	Separate answer of deft. A. C. Hays to amendment to amended complaint, filed. hm	
1-15-74	Ans. of Deft., A.G. Edwards & Sons, Inc., to Amendment to Amended Complaint, filed. v	
1-16-74	Mot. of Deft. A.C. Hays to amend his separate ans. to the amended complaint, filed. v (o)	
1-16-74	Mot. of Deft. Dudley D. Morgan, Jr. to amend his separate ans. to the amended compl., filed. v (o)	
1-23-74	REVISED MOTION of Deft. Dudley D. Morgan, Jr., to amend his separate ans. to amended compl., filed. v	
1-23-74	REVISED MOTION of Deft. A.C. Hays to amend his separate ans. to the amended compl., filed. v	
1-24-74	Order sustaining mot. of A. C. Hays to amend ans. to amended complaint, filed. (AEB-J)g <i>copy filed</i>	
1-24-74	Order sustaining mot. of Dudley D. Morgan, Jr. to amend ans. to amended complaint, filed. (AEB-J)g <i>copy filed</i>	
1-29-74	Pltfs' Objection to (1) Order granting Mot. of Deft. Dudley D. Morgan, Jr., to Amend his separate ans. to the amended compl. and (2) Revised Mot. of Deft. Dudley D. Morgan, Jr., to Amend his separate ans. to the amended compl., filed. Brief set out in last paragraph. v	
1-29-74	Obejction of Pltfs. to (1) Order granting mot. of Deft. A. C. Hays to amend his separate ans. to the amended compl. and (2) revised mot. of Deft. A. C. Hays to amend his separate ans. to the amended compl., filed. Brief set out in last paragraph. v	
2-7-74	Pltf's Answers to 2nd Int. of A.G. Edwards, filed.jj	
2-7-74	Amendment to separate ans. of Deft. Dudley D. Morgan, Jr., to the Amended Compl., filed. v	
2-7-74	Amend. to Separate Ans. of Deft. A.C. Hays to the Amended Compl., fld. v	
2-19-74	Pltfs' mot. to strike amended ans.s of Hays & Morgan fld. w/o leave of Court, filed. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-19-74	Brief in support, filed. v	
2-19-74	Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltfs' mot. to strike amended ans.s of Hays & Morgan filed without leave of Court. (AEB-J)v	
3-1-74	Combined briefs of defts. Hays & Morgan in response to pltfs' motion to strike amended answers of Hays and Morgan filed without leave of court, filed. hm	
6-4-74	Order, filed, overruling objections of pltfs. to order granting leave to file amended answer of A. C. Hays. (AEB-J)g cpies mailed	
6-4-74	Order, filed, overruling objections of pltfs. to order granting leave to file amended answer of Dudley D. Morgan, Jr. (AEB-J)g	
6-4-74	Order, filed, overruling pltfs' mot. to strike amended answers of Hays and Morgan. (AEB-J)g cpies mailed	
7-3-74	MO: Parties directed to hold pre-trial conference on or before 8-12-74 and file pre-trial order on or before 8-19-74. (AEB-J)k	
8-23-74	MO: Pltf. is granted 3 wks. to file motions; further ordered that pre-trial order be filed within 60 days of this date. (AEB-J)g	
9-16-74	Motion of Pltfs. for leave to file amended complaint, filed. v	
9-16-74	Brief in Support, filed. v	
9-16-74	MO: Ordered by the Court that Defendants are granted 10 days from this date to respond to Pltfs Motion for leave to file amended complaint. (AEB-J)v	
9-25-74	Combined Appl. & ORDER granting Defts. until 10-26-74 to respond to Pltf's Motion for leave to file amended complaint, filed. v <i>copies mtd.</i>	
10-25-74	Plaintiffs' proposed pre-trial order, filed. hm	
10-25-74	Response of Deft. A.G. Edwards & Sons, Inc. to Pltf's Motion for leave to file second amended complaint, filed. <u>Brief</u> in support of Response, filed. b	
10-29-74	Combined response of defts. Hays & Morgan to pltfs' Motion for leave to file (second) amended complaint, filed.k	
12-2-74	Reply of Pltfs. Melvin McDonald and Mary T. McDonald to Response of defts. to Plaintiff's Motion for Leave to File Second Amended Complaint, filed. lm	
2-12-75	Order, filed, sustaining pltfs' mot. to amend. Pltfs. are directed to file their amended complaint within 7 days from this date. (AEB-J)k <i>cpies mtd.</i>	
2-13-75	Second amended complaint, filed. g	
3-5-75	Application for Order Ext. Time to Plead to 2nd Amended Complaint filed. jj 0 del. to J by atty.	

Sheet No. 4, Page No. 8

DATE	PROCEEDINGS	Date Order or Judgment Note
3-7-75	Order, filed, that Defts. are granted until 3-11-75 to plead to 2nd Amend. Compl (AEB-J)v	cps mld
3-11-75	Motion for S/J of defts. A.G. Edwards, A.C. Hays & Morgan, filed. hm	
3-11-75	Brief in support of motion for S/J, filed. hm	
3-11-75	Ordered that pltf. file reponsive brief within 10 days to the above motion for S/J. (AEB-J)hm	
3-11-75	Motion of defts. A.G. Edwards, Morgan & Hays to dismiss each of the purported causes of action set forth in pltfs' second amended complaint, filed. hm	
3-11-75	Brief in support of motion of defts. to dismiss each of the purported causes of action set forth in pltfs' second amended complaint, filed. hm	
3-11-75	Ordered that pltf. file responsive brief within 10 days to above motion to dismiss. (AEB-J)hm	
3-19-75	MO: Case referred to Mag. Bradford for rec. on pending motions. (AEB-J)k	
3-24-75	Addendum to Brief in Support of Mot. for Summary Judgment, filed by Defts. A. G. Edwards & Sons, A. C. Hays and Dudley D. Morgan, Jr. v	
3-25-75	Pltfs' Appl. for Ext. of Time to Respond to Defts' Mtn for S/J until 4-11-75, filed. O to J	
3-26-75	Order, filed, granting pltf. until 4-11-75 to respond to motion for S/J. (AEB-J)g	
4-10-75	Pltfs' brief in response to defts' mots. to dismiss.	
4-10-75	Pltfs' brief in response to defts' mot. for S/J.	
4-16-75	Case called for hearing on motions. Parties present. Defts' A. G. Edwards, Dudley D. Morgan & A.C. Hays motion for S/J is overruled. Motion to dismiss denied. Pltf to prepare Findings & recommendations & order in 5 days.(MLB-Mag) b	
4-21-75	Findings & Recommendations of Magistrate, filed.(MLB-Mag) b cps mld	
5-6-75	Order, filed, approving recommendation of Magistrate, overruling mot. of defts. A. G. Edwards & Sons, Inc., Dudley D. Morgan, Jr., and A. C. Hays to dismiss second amended complaint, and denying motion for summary judgment. (AEB-J)g cpies mailed	
5-30-75	ANSWER of deft. A. G. Edwards & Sons, Inc. to 2nd Amended Complaint, filed. lm	
5-30-75	APPLICATION for order extending time to plead to Second Amended Complaint, filed. lm (o to J)	
6-3-75	Order granting defendants, Dudley C. Morgan, Jr. & A. C. Hays until June 3, 1975 to answer the Second Amended Complaint. (AEB-J)mm cps mld	
6-4-75	Sep. Ans. of Deft A. C. Hays to 2nd Amended Complaint, filed. lm	
6-4-75	Sep. Ans. of Deft. Dudley D. Morgan, Jr., to the 2nd Amended Complaint, filed. lm	
6-20-75	Pretrial Order, filed. mm (AEB-J) cps mld	
6-26-75	MO: Ordered by Court that case is set for N/J trial on 8-6-75, at 10:00 A.M.(AEB-J)b nts mld	

D. C. 110A Rev. Civil Docket Continuation

9

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-2-75	Appl. to Renew Mtn. for Summary Judgment, filed.jj	
7-25-75	Appl. of John Athens & Russell Harbaugh to withdraw as counsel for def. Dudley Morgan, filed. rm (o)	
8-1-75	Stipulation of dismissal w/prejudice as to def., A. G. Edwards & Sons, only, filed and entered. rm	
8-4-75	MO: It is ordered by the court that case is passed from 8-6-75 non-jury docket to 8-13-75, at 10:00 A.M.(AEB-J)b ltr mld	
8-13-75	Case stricken from non-jury docket. Settlement papers to be filed at an early date.(AEB-J)b	
10-14-75	Defendants A. C. Hays & Dudley D. Morgan, Jr. Motion for Dismissal signed by John S. Athens, Attorney for Defts. Morgan & Hays and Fred-eric Dorwart, Attorney for/McDonalds' With Stipulation attached, filed. mm (O to J) the	
10-15-75	Order, filed whereby upon consideration of the Stipulation the cause of action & complaint as it is brought against the defts. Morgan & Hays are dismissed W/prejudice. Clerk shall not tax pltf or defts for each other's costs. (AEB-J) cps mld mm	

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